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EXAMINER	
BROWN, RUEBEN M	

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2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/484,730	EYAL, BARTFELD	
	Examiner	Art Unit	
	REUBEN M. BROWN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *73-100, 107-110,112,129-131* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *73-100, 107-110,112,129-131* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/23/2007, regarding Checco & Lovett have been fully considered but they are not persuasive.

On page 11, applicant argues that "nowhere does Checco teach or suggest a messaging control interface for controlling at least one message having address information associating the message with at least one user, a video output module adapted to couple to a downstream network for outputting video frame signals on a television coupled to an addressable terminal with an input interface adapted to connect to an upstream network for receiving user input signals inputted using a telephone…that is, nowhere does Checco teach or suggest a system for a person sitting and watching television to automatically receive an e-mail or a telephone call one the television". Also, on page 14, applicant argues that "nowhere does Checco teach or suggest a messaging control interface for controlling at least one message having address information associating the message with at least one user…".

Examiner respectfully disagrees. Checco explicitly teaches that the system transmits e-mail messages to the plurality of different devices, col. 4, lines 59-68 thru col. 5, lines 1-26. By, definition e-mail messages are sent from a particular user to one or more address to particular

user(s). **E-mail messages, which is based on the documented SMPT standard, requires one or more destination address(es).** Therefore, at the time the invention was made, e-mail has received a status in the art that includes a message transmitted from one address to one or more addressable terminals. In other words, the use of e-mail in Checco inherently meets the claimed, *'said message having an address associated therewith'*. By definition an e-mail has at least one recipient address associated with it.

Applicant argues that Checco does not teach that the e-mail messages are delivered over a TV system to a TV. First of all, applicant does not deny that Checco teaches a system that includes a messaging gateway that handles messages between terminal devices. But rather, applicant argues that Checco does not teach the required TV messaging gateway wherein messages are transmitted to addressable terminals and outputted as video frames a television. Clearly, Checco teaches transmitting e-mail messages in a format (video) to be delivered over a broadband network, to a STB 316/358. Moreover, examiner points out that Checco is directed to transmitting e-mail between a plurality of different types of terminals using a plurality of different types of networks, see Fig. 3, such as a STB 316/358, which delivers the message to a TV. The TV messaging gateway, reads on the combination of the system 304 of Checco and the headend of Lovett. As for the delivery using a TV system, as discussed below, Lovett teaches transmitting user requested data over a TV system, to the instant requesting user.

In the previous Office Action, examiner relied upon Lovett to teach the claimed feature, *'gateway being adapted to operate in conjunction with a TV distribution system having a central*

location connected to a video downstream network constructed to carry video signals and distribute the signals to a plurality of terminals connected thereto'. Examiner points out that Checco, col. 4, lines 24-38, does teach that the each device, e.g., STB 316/358 connects to the system 304 via a compatible connection, and goes on to more explicitly teach that the "STB 316 may use an ISDN or broadband line", which suggests the claimed 'video downstream network to carry video signals and distribute the signals to a plurality of terminals'. But Checco does not explicitly state that a video downstream network is used, as recited in the claim. Clearly though, a video downstream is within the prevue of a broadband line or network, as discussed by Checco, and thus one of ordinary skill in the art at the time the invention was made, would have readily recognized the benefit of utilizing a CATV network as the broadband network, at least the advantage of using an established communications network, that is generally used to communicate with set-top boxes, such as disclosed in Checco.

Applicant (on pages 11-12) argues though that Lovett is not applicable to claimed subject matter and/or combinable with Checco because Lovett provides the subscriber requested data to the instant subscriber, thru the "use of a unique UHF frequency for each subscriber". However, examiner respectfully disagrees that the dedicated frequency of Lovett is incompatible with Checco. The combination of Checco & Lovett, provides for transmitting user requested data over a dedicated frequency, but additionally requiring a user id & password to access the instant data. **Therefore requiring user ID & password, as taught by Checco, merely provides an additional layer of security, added to Lovett.** Because, even though only a particular subscriber terminal at a particular household would receive the requested data as in Lovett, one

of ordinary skill in the art would have readily recognized the benefit of requiring a user ID & password, which insures that only the member(s) of the household that is authorized to view the instant requested data, would be able to view the instant data.

Applicant goes on to argue, "nowhere does Lovett teach or suggest a messaging control interface for controlling at least one message having address information associating the message with at least one user...". However, as pointed out above Checco is relied upon to teach the instant claimed subject matter.

Applicant's argument's with respect to Krisbergh '649 are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 73-83, 85-91 & 107-110 &112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, in view of Lovett, (U.S. Pat # 4,450,477) & Sizer, (U.S. Pat # 6,021,324).

Considering claim 73, the claimed TV messaging gateway for handling messages, reads on the data messaging system 304 of Checco, which supports a plurality of types of messages col. 4, lines 20-38 & col. 4, lines 45-67.

'at least one terminal constructed to selectively display video signals on a TV screen', reads on Checco, col. 10, lines 31-55, which discloses the use of a set–top box 316/358, col. 4, lines 59-62; col. 5, lines 5-26 & col. 11, lines 1-8.

'*upstream network capable of delivering user input signals from a remote location to the central location'*, Checco, col. 4, lines 11-67; col. 7, lines 19-30.

'TV messaging gateway adapted for operating in conjunction with a messaging server to store and forward the messages', Checco, col. 5, lines 65-67 thru col. 6, lines 1-20. The operational API 406, (col. 6, lines 1-34) included within the system 304 reads on the TV messaging gateway, whereas the storage 412 (col. 6, lines 6-15; col. 9, lines 21-31; col. 10, lines 1-20; col. 10, lines 49-62) reads on the messaging server.

'message control interface adapted to couple the messaging server for controlling at least one message therein, such that the message has address information, which associates with at least one subscriber', reads on the communications entry point 320 and DSP 404, col. 6, lines 1-67 & col. 8, lines 58-67.

'video output module for generating video frame signals corresponding to the message or at least a portion of the message, for distribution over the downstream network to an addressable terminal', reads on the operation of the data messaging system 304, including PARS 408B, which can convert any message type to still video image frames, for transmission over a high-bandwidth, broadband network for delivery to the authorized requesting subscriber(s), col. 10, lines 21-67 thru col. 11, lines 1-10.

'input device interface connected to the upstream network for receiving user input signals and logic for directing the message between the message control interface and video output module' is also met by the entry point 302. I/O 410 and DSP 404 (col. 6, lines 1-7; col. 9, lines 1-20; col. 10, lines 21-62)

As for the claimed feature of operating in a TV distribution system, having a central location connected to a video downstream network, Checco discloses that each device contacts the system 304 via a connection compatible with the device; and that the STB 316/358 including high-bandwidth broadband networks, such as ISDN, which does read on the claimed subject matter. Nevertheless, Lovett teaches a system where subscribers access messages from a central

server, using a CATV system, (col. 6, lines 25-67; col. 9, lines 41-65; col. 10, lines 4-30; col. 13, lines 3-25 & col. 14, lines 1-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco using a CATV system, at least for the known advantage of a higher bandwidth channel, which allows for more interoperability, as taught by Lovett, col. 5, lines 29-67 thru col. 6, lines 1-18.

It is noted that Lovett is particularly relevant since it also teaches transmitting user selected data messages as video still frames, to a subscriber's premise, (col. 11, lines 34-67). The data messages are sent on a standard TV channel, which allows the subscriber to receive and view the data using an unmodified TV set 110, see col. 13, lines 59-68 thru col. 14, lines 1-14. If the data messages are transmitted on a channel that is not standard VHF or UHF TV channel, (i.e. 2 thru 83), then a set top converter 163 is used down convert the data message at the user premise to one of the standard TV channels, then the data message is displayed on the unmodified TV set 110, col. 14, lines 64-68 thru col. 15, lines 1-9.

As for the further claimed feature of, an *'input device interface adapted to connect the upstream network for receiving input signal inputted using a telephone'*, Checco & Lovett only discuss the use of a remote control to access the system. However, at the time the invention was made, the use of a telephone (i.e., DTMF controls) to control a system was old in the art. As an example, Sizer teaches the use of premises telephone 14, to control a recording unit 11 to retrieve messages, col. 5, lines 1-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco, by alternatively using the telephone to control

the premises, at least for the advantage of expanding the use of equipment common to most households, as taught by Sizer, col. 1, lines 15-65 thru col. 2, lines 1-65.

Considering claim 74, see Checco col. 6, lines 1-15, voice and data message storage 412.

Considering claims 75 & 79, see Checco, col. 7, lines 19-29.

Considering claim 76, see Checco, col. 4, lines 24-64.

Considering claim 77, see Checco, col. 5, lines 1-26.

Considering claims 78 & 102, see Checco, col. 4, lines 11-38.

Considering claim 80, the CATV network of Lovett is a bi-directional TV distribution network, col. 11, lines 15-28.

Considering claims 81-82, Checco discusses the use of speech recognition technology, col. 7, lines 22-28 & col. 8, lines 44-50.

Considering claim 83, Checco discusses that one of the networks 320, may be the Internet col. 4, lines 11-54.

Considering claim 85, the claimed *'local module at the user premises'* at least reads on the GUI system in Checco that enables to the user to access messages, see Fig. 8 & col. 8, lines 44-55.

Considering claim 86, the claimed feature reads on Checco, col. 8, lines 58-65.

Considering claim 87, Checco notifies subscribers of messages, col. 5, lines 5-10.

Considering claim 88, see Checco, col. 4, lines 25-67, which meets the claimed subject matter.

Considering claim 89, Lovett teaches that the downstream network for transmitting message is a CATV network, col. 9, lines 41-67; col. 10, lines 59-68; col. 14, lines 1-35.

Considering claim 90, Checco teaches that the video messages may be sent as MPEG video, which reads on digital, col. 4, lines 45-51.

Considering claim 91, Checco teaches that the voice and data storage 412, stores user voice messages and they are retrieved and transmitted as messages, col. 9, lines 8-48.

Considering claim 107, see Checco, col. 10, lines 21-48.

Considering claim 108, the claimed feature of *'recording a voice message and automatically packing in an e-mail message'* is broad enough to reads on the discussion in Checco that a recorded voice message is at least partially converted to an e-mail, if that is the recipient's preferred reception format.

Considering claim 109, in Checco, a voice message may be input using a telephone, col. 8, lines 58-67.

Considering claim 110, the data messaging system 304, reads on the claimed unified messaging server, col. 4, lines 45-67.

Considering claim 112, the claimed feature reads on Checco, col. 6, lines 1-30.

4. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, Lovett & Sizer and further in view of Wagner, (U.S. Pat # 6,335,736).

Considering claim 92, Checco & Lovett do not teach *'providing a progress to indicate the status of a video reception'*. Nevertheless, Wagner teaches that when a subscriber is receiving a video, it is desirable to display a progress to indicate how much video has been delivered, see Abstract; Fig. 7 & col. 7, lines 9-18. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Checco with the teachings Wagner, providing a

progress indicator, at least for the improvement of keeping the subscriber informed of the status of his video download.

5. Claims 93, 99 & 129-130 rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh (U.S. Pat # 5,999,970), in view of Sizer.

Considering claims 93 & 129, the claimed *TV messaging gateway for handling messages, such that the gateway is adapted to operate in conjunction with a TV distribution system having a central location connected to a video downstream network constructed to carry video signals and distribute the signals to the plurality of terminals* is met by the application server 68, which is located in the headend server 38 that transmits video and data services over a CATV system; see Fig. 1; Fig. 5; col. 5, lines 10-65.

The claimed *'terminal for selectively displaying a video signal on a TV screen'*, at least reads on the TV set 56, of Fig. 1, which displays TV programs selected by the subscriber. The claimed upstream network capable of delivering user input signals from a remote location to the central location is met by the discussion in Krisbergh '970 of a sender-subscriber sending video mail to a receiver, col. 4, lines 10-45; col. 5, lines 40-58 & col. 8, lines 61-664.

The claimed feature of the *'messaging gateway operating in conjunction with a messaging server that is constructed to store and forward messages, such that the gateway*

comprises a message control interface adapted to couple the messaging server for controlling at least one message, such that the messages have an attached address for being associated with at least one user' is met by the disclosure of Krisbergh '970. The reference teaches the use of a post office 76 and caching engine 78 that stores and forwards e-mails, col. 5, lines 40-63.

Therefore additionally claimed feature of the *'messaging gateway, in conjunction with a messaging server, comprising a message control interface and controls the messages, such that the messages have address information'*, corresponding to at least one subscriber is also met by Krisbergh '970, col. 5, lines 40-68.

As for the additionally claimed feature of a telephone handset for user input, Krisbergh '970 teaches the use of a remote control. As for the further claimed feature of, an *'input device interface adapted to connect the upstream network for receiving input signal inputted using a telephone'*, Krisbergh '970 only discuss the use of a remote control to access the system. However, at the time the invention was made, the use of a telephone to control a local system was old i the art. As an example, Sizer teaches the use of premises telephone 14, to control a recording unit 11 to retrieve messages, col. 5, lines 1-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco, by alternatively using the telephone to control the premises, at least for the advantage of expanding the use of equipment common to most households, as taught by Sizer, col. 1, lines 15-65 thru col. 2, lines 1-65.

Considering claim 99, Official Notice is taken that at the time the invention was made, speech recognition technology for making user input signals via voice was very well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Krisbergh '970, with the old art of speech recognition technology for taking voice input, at least for the known advantage of making the system more accessible to a wider range of users, such as those without sight.

Considering claim 130, the claimed centralized module reads on the application server 68 of Krisbergh '970, Fig. 3 & Fig. 5. The claimed local module is broad enough to read on the processing functions located within the set top converter 54 that enable the e-mail services, col. 8, lines 23-34.

6. Claims 94-98, 100 & 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 and Sizer, and further in view of Krueger.

Considering claims 94 & 131, Krisbergh '970 only discusses a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3,

lines 36-40), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

Considering claim 95, Krisbergh '970 teaches that the upstream channels may utilize a CATV distribution network 12, which reads on the claimed subject matter, col. 8, lines 61-64.

Considering claim 96, in Krisbergh '970 the TV messaging gateway is comprised of a centralized module and a local module, located at the user premise, col. 5, lines 26-67 & col. 4, lines 31-56.

Considering claim 97, Krisbergh '970 optionally utilized a bi-directional TV network for two-way communications, col. 1, lines 45-60 & col. 4, lines 26-31.

Considering claim 98, Krisbergh '970 may be coupled to an IP network, col. 1, lines 35-41 & col. 4, lines 53-65.

Considering claim 100, Krisbergh '970 only discuss a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-

65), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

7. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A)Bradley General teaching of the use of a telephone to control non-telephone equipment, such as a TV or CATV decoder device.

Any response to this action should be mailed to:

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or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2623